

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NAGID JONES, on behalf of himself and all
others similarly situated,

Plaintiffs,

-against-

NIKE RETAIL SERVICES, INC.,

Defendant.

Case No. 2:22-cv-03343-NRM-ARL

STIPULATION AND [PROPOSED] AMENDED SCHEDULING ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the Parties to this action, as follows:

1. Defendant NIKE Retail Services, Inc.’s (“Nike”) Motion to Dismiss Plaintiff Nagid Jones’ (“Plaintiff”) Complaint (ECF No. 1) under Federal Rule of Civil Procedure 12(b)(1) or, alternatively, for Judgment on the Pleadings pursuant to Rule 12(c) (the “Motion”) is fully briefed and pending a decision from the Court (ECF Nos. 40-43);

2. As the Motion is still pending, counsel for the Parties have conferred and jointly request that the scheduled deadlines for all outstanding matters in this case be adjourned so the Parties can complete discovery and motion practice, if necessary, after the Court issues its decision on the Motion;

3. This is the Parties’ third request to adjourn these deadlines (ECF Nos. 38, 45);

4. To the extent the Court denies Nike’s Motion, the Parties propose adjournments to the following outstanding matters, all of which are contingent on the timing and outcome of the Motion:

Event	Proposed Deadline/Date
1. All discovery, inclusive of expert discovery, to be concluded	60 days from the decision on the Motion, if necessary
2. Any party planning on making a dispositive motion must take the first step in the motion process by this date or risk forfeiting the right to make such a motion	75 days after the close of discovery, if necessary
3. Plaintiff's Class Certification Motion	Service of Moving Papers – 10 days after the close of discovery, if necessary Defendant's opposition – 35 days after being served with Plaintiff's Motion, if necessary Plaintiff's reply – 14 days after being served with Defendant's opposition, if necessary
4. Parties are to electronically file a joint proposed pretrial order in compliance with the District Court's individual rules, signed by counsel for each party	60 days after the close of discovery, if necessary
5. Final conference before United States Magistrate Judge Lindsay	Within 10 days of the deadline to file the joint proposed pretrial order, or other day amendable to the Court, if necessary

5. If Nike's Motion is granted, then the above matters will not occur and this Stipulation shall become moot;

6. Nike does not concede that its Motion will be denied in any way, and this Stipulation in no way constitutes a basis that Nike has or will concede that its Motion will be denied.

Dated: January 13, 2025

Respectfully submitted,



Troy L. Kessler
Garrett Kaske
KESSLER MATURA P.C.
534 Broadhollow Road, Suite 275
Melville, NY 11747
Phone: (631) 499-9100
tkessler@kesslermatura.com
gkaske@kesslermatura.com

Michael J. Palitz
SHAVITZ LAW GROUP, P.A.
447 Madison Avenue, 6th Floor
New York, New York 10022
Telephone: (800) 616-4000
Facsimile: (561) 447-8831
mpalitz@shavitzlaw.com

Gregg I. Shavitz
SHAVITZ LAW GROUP, P.A.
951 Yamato Road, Suite 285
Boca Raton, Florida 33431
Telephone: (561) 447-8888
Facsimile: (561) 447-8831
gshavitz@shavitzlaw.com

Attorneys for Plaintiff and the Putative Class



Matthew A. Tobias
Lindsay C. Stone
Maria A. Gomez
SHEPPARD MULLIN RICHTER &
HAMPTON LLP
30 Rockefeller Plaza
New York, New York 10112
Telephone: (212) 653-8700
Facsimile: (212) 653-8701
mtobias@sheppardmullin.com
lstone@sheppardmullin.com
magomez@sheppardmullin.com

Attorneys for Defendant

SO ORDERED

Hon. Judge Arlene R. Lindsay, U.S.M.J.